

SECOND REGULAR SESSION
[PERFECTED]
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 1461 & 1470
91ST GENERAL ASSEMBLY

Taken up for Perfection March 6, 2002.

House Substitute for House Committee Substitute for House Bill Nos. 1461 & 1470 ordered Perfected and printed, as amended.

TED WEDEL, Chief Clerk

3589L.06P

AN ACT

To repeal sections 28.160, 115.013, 115.081, 115.083, 115.085, 115.087, 115.089, 115.095, 115.097, 115.099, 115.101, 115.122, 115.127, 115.137, 115.151, 115.157, 115.159, 115.160, 115.162, 115.163, 115.179, 115.225, 115.233, 115.237, 115.277, 115.279, 115.283, 115.291, 115.409, 115.417, 115.419, 115.433, 115.453, 115.493, 115.507, 115.613, 130.026 and 130.046, RSMo, and to enact in lieu thereof forty-eight new sections relating to elections, with an emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 28.160, 115.013, 115.081, 115.083, 115.085, 115.087, 115.089, 115.095, 115.097, 115.099, 115.101, 115.122, 115.127, 115.137, 115.151, 115.157, 115.159, 115.160, 115.162, 115.163, 115.179, 115.225, 115.233, 115.237, 115.277, 115.279, 115.283, 115.291, 115.409, 115.417, 115.419, 115.433, 115.453, 115.493, 115.507, 115.613, 130.026 and 130.046 RSMo, are repealed and forty-eight new sections enacted in lieu thereof, to be known as sections 28.160, 71.005, 115.013, 115.076, 115.081, 115.085, 115.087, 115.089, 115.095, 115.097, 115.099, 115.100, 115.101, 115.102, 115.126, 115.127, 115.137, 115.151, 115.157, 115.159, 115.160, 115.162, 115.163, 115.179, 115.225, 115.233, 115.237, 115.277, 115.279, 115.283, 115.291, 115.409, 115.417, 115.419, 115.420, 115.433, 115.453, 115.493, 115.507, 115.613, 115.801, 115.803, 115.806, 130.018, 130.026, 130.046, 1 and 2, to read as follows:

28.160. 1. The state shall be entitled to fees for services to be rendered by the secretary

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

2 of state as follows:

3 For issuing commission to notary public \$15.00

4 For countersigning and sealing certificates of

5 official character 10.00

6 For all other certificates 5.00

7 For copying archive and state library records,

8 papers or documents, for each page 8 ½ x 14

9 inches and smaller, not [more than .10]

10 **to exceed the actual cost of document search**

11 **and duplication**

12 For duplicating microfilm, for each roll [15.00],

13 **not to exceed the actual cost of staff**

14 **time required for searches and duplication**

15 For copying all other records, papers or documents,

16 for each page 8 ½ x 14 inches and

17 smaller, not [more than. .10]

18 **to exceed the actual cost of document**

19 **search and duplication**

20 For certifying copies of records and papers or

21 documents 5.00

22 For causing service of process to be made 10.00

23 For electronic telephone transmittal, per page 2.00

24 2. There is hereby established the "Secretary of State's Technology Trust Fund Account"

25 which shall be administered by the state treasurer. All yield, interest, income, increment, or gain

26 received from time deposit of moneys in the state treasury to the credit of the secretary of state's

27 technology trust fund account shall be credited by the state treasurer to the account. The

28 provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the fund shall

29 not be transferred and placed to the credit of general revenue until the amount in the fund at the

30 end of a biennium exceeds five million dollars. In any such biennium the amount in the fund in

31 excess of five million dollars shall be transferred to general revenue.

32 3. The secretary of state may collect an additional fee of ten dollars for the issuance of

33 new and renewal notary commissions which shall be deposited in the state treasury and credited

34 to the secretary of state's technology trust fund account.

35 4. The secretary of state may ask the general assembly to appropriate funds from the

36 technology trust fund for the purposes of establishing, procuring, developing, modernizing and

37 maintaining:

- 38 (1) An electronic data processing system and programs capable of maintaining a
39 centralized database of all registered voters in the state;
40 (2) Library services offered to the citizens of this state;
41 (3) Administrative rules services, equipment and functions;
42 (4) Services, equipment and functions relating to securities;
43 (5) Services, equipment and functions relating to corporations and business
44 organizations;
45 (6) Services, equipment and functions relating to the Uniform Commercial Code;
46 (7) Services, equipment and functions relating to archives; [and]
47 (8) Services, equipment and functions relating to record services; **and**
48 **(9) Services, equipment and functions relating to state and local elections.**

**71.005. No person shall be a candidate for municipal office unless such person
2 complies with the provisions of section 115.346, RSMo, regarding payment of municipal
3 taxes or user fees.**

115.013. As used in this chapter, unless the context clearly implies otherwise, the
2 following terms mean:

- 3 (1) "Automatic tabulating equipment", the apparatus necessary to examine and
4 automatically count votes, and the data processing machines which are used for counting votes
5 and tabulating results;
6 (2) "Ballot", the ballot card [or], paper ballot, **or ballot designed for use with a**
7 **computerized voting system** on which each voter may cast all votes to which he or she is
8 entitled at an election;
9 (3) "Ballot card", a ballot which is voted by making a punch or sensor mark which can
10 be tabulated by automatic tabulating equipment;
11 (4) "Ballot label", the card, paper, booklet, page or other material containing the names
12 of all offices and candidates and statements of all questions to be voted on;
13 (5) "Counting location", a location selected by the election authority for the automatic
14 processing or counting, or both, of ballots;
15 (6) "County", any one of the several counties of this state or the city of St. Louis;
16 (7) "Disqualified", a determination made by a court of competent jurisdiction, the
17 Missouri ethics commission, an election authority or any other body authorized by law to make
18 such a determination that a candidate is ineligible to hold office or not entitled to be voted on for
19 office;
20 (8) "District", an area within the state or within a political subdivision of the state from
21 which a person is elected to represent the area on a policy-making body with representatives of
22 other areas in the state or political subdivision;

23 (9) "Electronic voting system", a system of casting votes by use of marking devices, and
24 counting votes by use of automatic tabulating or data processing equipment, **and including**
25 **computerized voting systems;**

26 (10) "Established political party" for the state, a political party which, at either of the last
27 two general elections, polled for its candidate for any statewide office, more than two percent
28 of the entire vote cast for the office. "Established political party" for any district or political
29 subdivision shall mean a political party which polled more than two percent of the entire vote
30 cast at either of the last two elections in which the district or political subdivision voted as a unit
31 for the election of officers or representatives to serve its area;

32 (11) "Federal office", the office of presidential elector, United States senator, or
33 representative in Congress;

34 (12) "Independent", a candidate who is not a candidate of any political party and who
35 is running for an office for which party candidates may run;

36 (13) "Major political party", the political party whose candidates received the highest or
37 second highest number of votes at the last general election;

38 (14) "Marking device", either an apparatus in which ballots are inserted and voted by use
39 of a punch apparatus, or any approved device for marking paper ballots with ink or other
40 substance which will enable the votes to be counted by automatic tabulating equipment;

41 **(15) "Municipal" or "municipality", a city, village, or incorporated town of this**
42 **state;**

43 [(15)] **(16)** "New party", any political group which has filed a valid petition and is
44 entitled to place its list of candidates on the ballot at the next general or special election;

45 [(16)] **(17)** "Nonpartisan", a candidate who is not a candidate of any political party and
46 who is running for an office for which party candidates may not run;

47 [(17)] **(18)** "Political party", any established political party and any new party;

48 [(18)] **(19)** "Political subdivision", a county, city, town, village, or township of a
49 township organization county;

50 [(19)] **(20)** "Polling place", the voting place designated for all voters residing in one or
51 more precincts for any election;

52 [(20)] **(21)** "Precincts", the geographical areas into which the election authority divides
53 its jurisdiction for the purpose of conducting elections;

54 [(21)] **(22)** "Public office", any office established by constitution, statute or charter and
55 any employment under the United States, the state of Missouri, or any political subdivision or
56 special district, but does not include any office in the reserve forces or the national guard or the
57 office of notary public;

58 [(22)] **(23)** "Question", any measure on the ballot which can be voted "YES" or "NO";

59 **(24) "Relative within the first degree by consanguinity or affinity", a spouse,**
60 **parent, or child of a person;**

61 [(23)] **(25) "Relative within the second degree by consanguinity or affinity", a spouse,**
62 **each grandparent, parent, brother, sister, niece, nephew, aunt, uncle, child and grandchild of a**
63 **person;**

64 [(24)] **(26) "Special district", any school district, water district, fire protection district,**
65 **hospital district, health center, nursing district, or other districts with taxing authority, or other**
66 **district formed pursuant to the laws of Missouri to provide limited, specific services;**

67 [(25)] **(27) "Special election", elections called by any school district, water district, fire**
68 **protection district, or other district formed pursuant to the laws of Missouri to provide limited,**
69 **specific services; and**

70 [(26)] **(28) "Voting district", the one or more precincts within which all voters vote at**
71 **a single polling place for any election.**

115.076. 1. Subject to appropriation of federal funds, the secretary of state shall
2 **administer a grant program annually for the purposes of providing funds to election**
3 **authorities:**

4 **(1) To make polling places, including paths of travel, entrances, exits and voting**
5 **areas of each polling facility accessible to individuals with disabilities, including the blind**
6 **and visually impaired, in a manner that provides the same opportunity for access and**
7 **secret, independent and verifiable participation, including privacy and independence, as**
8 **for other voters;**

9 **(2) To provide individuals with disabilities and individuals who are blind and**
10 **visually impaired with information about the accessibility of polling places, including**
11 **outreach programs to inform individuals about the availability of accessible polling places**
12 **and to train election officials, poll workers, and election volunteers on how to best promote**
13 **the access and participation of individuals in elections, and to provide assistance in all**
14 **accommodations needed by voters with disabilities.**

15

16 **Such funding shall be in the form of matching grants.**

17

18 **The secretary of state may promulgate rules to effectuate the provisions of this section.**

19

20 **2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
21 **that is created under the authority delegated in this section shall become effective only if**
22 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
23 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**

24 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
25 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
26 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
27 **adopted after August 28, 2002, shall be invalid and void.**

115.081. 1. Each election authority shall appoint [at least four] election judges for each
2 polling place within its jurisdiction **in accordance with the provisions of this section.** [If the
3 expected voter turnout at a polling place indicates that four judges may be insufficient, the
4 election authority may appoint an even number of additional judges for the polling place.
5 One-half of the judges at each polling place shall be members of one major political party, and
6 one-half of the judges at each polling place shall be members of the other major political party.]

7 **2. In a primary or general election, the election authority shall appoint at least two**
8 **judges from each major political party to serve at each polling place. No major political**
9 **party shall have a majority of the judges at any polling place. No established party or**
10 **judges who do not claim a political affiliation shall have a greater number of judges at any**
11 **polling place than any major political party.**

12 **3. In any election that is not a primary or general election, the election authority**
13 **shall appoint at least one judge from each major political party to serve at each polling**
14 **place. No major political party shall have a majority of the judges at any polling place.**
15 **No established party or judges who do not claim a political affiliation shall have a greater**
16 **number of judges at any polling place than any major political party.**

17 **4.** The election authority shall designate two of the judges appointed for each polling
18 place, one from each major political party, as supervisory judges. Supervisory judges shall be
19 responsible for the return of election supplies from the polling place to the election authority and
20 shall have any additional duties prescribed by the election authority.

21 [3.] **5.** Election judges may be employed to serve for the first half or last half of any
22 election day. Such judges shall be paid one-half the regular rate of pay. If part-time judges are
23 employed, the election authority shall employ such judges and shall see that a sufficient number
24 for each period are present at all times so as to have the proper total number of judges present
25 at each polling place throughout each election day. The election authority shall require that at
26 each polling place at least one election judge from each **major** political party serve a full day and
27 that at all times during the day there be an equal number of election judges from each **major**
28 political party.

29 **6. An election authority may appoint additional election judges representing other**
30 **established political parties and additional election judges who do not claim a political**
31 **affiliation. Any question which requires a decision by the majority of judges shall only be**
32 **made by the judges from the major political parties.**

115.085. No person shall be appointed to serve as an election judge who is not a registered voter in the jurisdiction of the election authority for which he or she is appointed. Each election judge shall be a person of good repute and character who can speak, read and write the English language. No person shall serve as an election judge at any polling place in which his or her name or the name of a relative within the second degree, by consanguinity or affinity, appears on the ballot. However, no relative of any unopposed candidate shall be disqualified from serving as an election judge in any election jurisdiction of the state. No election judge shall, during his or her term of office, hold any other public office, other than as a member of a political party committee or township office, except any person who is an employee of the state of Missouri or who is appointed to or employed by **or elected to** a board or commission of a political subdivision or special district may serve as an election judge except at a polling place where such political subdivision or special district has an issue or candidate on the ballot. In any county having a population of less than two hundred fifty thousand inhabitants, any candidate for the county committee of a political party who is not a candidate for any other office and who is unopposed for election as a member of the committee shall not be disqualified from serving as an election judge.

115.087. **1.** In each county which does not have a board of election commissioners, the election judges shall be selected from lists provided by the county committee of each major political party **or as authorized pursuant to section 115.081**. Not later than December tenth in each year in which county committeemen are elected, the county committee of each major political party shall submit to the county clerk a list of persons qualified to serve as election judges in double the number required to hold a general election in the county. [Not later than February tenth in each year immediately following the year in which county committeemen are elected, each] **For each election the** county clerk shall select and appoint the number of judges required to hold [a general] **the** election [in his county, taking one-half of the judges from each of the lists]. If a county committee fails to present the prescribed number of names of qualified persons by the time prescribed, the county clerk may select and appoint the number of judges provided by law [for the county committee's party]. If the county clerk deems any person on a list to be unqualified, [he] **the clerk** may request the county committee which submitted the list to furnish another name. [The election judges shall be appointed for a term ending on February tenth in the year immediately following the year in which county committeemen are next elected and until their successors are appointed and qualified.]

2. The state chairperson of each established political party may, in jurisdictions where no county committee exists and where the county clerk is the election authority, submit a list of persons qualified to serve as election judges to the county clerk. The county clerk may select and appoint additional judges from such list pursuant to section 115.081.

21 **3. County clerks may compile a list of persons who claim no political affiliation and**
22 **who volunteer to be election judges. A county clerk may select and appoint additional**
23 **judges from such list pursuant to section 115.081.**

115.089. Each board of election commissioners shall have authority to appoint election
2 judges for individual elections, or for a term coincident with the term of the board and until the
3 judges' successors are appointed and qualified. The board may ask the county committee of each
4 major political party to submit a list of persons qualified to serve as election judges and may
5 select and appoint judges from the lists. **The board may compile a list of persons who claim**
6 **no political affiliation and who volunteer to be election judges and may select and appoint**
7 **judges from the list.**

115.095. If any judge fails to act or to appear by the time fixed by law for the opening
2 of the polls, the election authority shall be notified immediately by an election judge. The
3 election authority or the election judges present in the polling place shall appoint another judge
4 from the same political party as the judge failing to act or to appear. If the election judges elect
5 a qualified temporary judge, [he] **such judge** shall have full authority to act as judge for the
6 election, except that [he] **such judge** may be removed at any time by the election authority and
7 replaced with another qualified judge from the same political party as the removed judge. **Any**
8 **judge selected pursuant to this section shall be selected to ensure that no political party**
9 **shall have a majority of judges at any polling place and that each major political party has**
10 **at least one judge serving at the polling place.**

115.097. No election judge shall be absent from the polls for more than one hour during
2 the hours the polls are open on election day. No election judge shall be absent from the polls
3 before 9:00 a.m. or after 5:00 p.m. on election day. No more than one judge from the same
4 **major** political party shall be absent from the polls at the same time on election day.

115.099. Each election authority shall have authority to direct judges in their duties and
2 to compel compliance with the law. Each election authority may substitute judges at his
3 discretion on election day. Each election authority shall also have authority at any time to
4 remove any judge for good cause and to replace [him] **the judge** with a qualified person from
5 the same political party as the removed judge. **Any judge selected pursuant to this section**
6 **shall be selected to ensure that no political party shall have a majority of judges at any**
7 **polling place and that each major political party has at least one judge serving at the**
8 **polling place.**

115.100. 1. An employer shall not terminate, discipline, threaten, or take adverse
2 **actions against an employee based on the employee's service as an election judge.**

3 **2. An employee who is appointed to serve as an election judge may, on election day,**
4 **be absent from his or her employment for the period of time that the election authority**

5 requires the employee to serve as election judge. Employees must notify employers at least
6 seven days prior to an election that they will be absent from work on election day due to
7 service as an election judge.

8 **3. An employee discharged in violation of this section may bring a civil action**
9 **against the employer within ninety days of discharge for recovery of lost wages and other**
10 **damages caused by the violation and for an order directing reinstatement of the employee.**
11 **If the employee prevails, the employee shall be entitled to receive reasonable attorney's fees**
12 **and costs.**

13 **4. The provisions of this section shall apply only to employers of more than fifty**
14 **employees.**

115.101. For service in conducting elections and house-to-house canvasses, each election
2 judge shall be paid [a specific dollar amount which shall be set by the legislative authority of
3 each county and by any city not within a county] **an amount established by the election**
4 **authority.** For purposes of this section, and the Constitution of Missouri, election judges
5 appointed by the election authority shall not be considered employees of the election authority.

115.102. **1. Subject to appropriation from general revenue funds, the secretary of**
2 **state shall administer a grant program for the purpose of increasing the compensation of**
3 **election judges. Such funding shall be in the form of matching grants, and shall be made**
4 **available to election authorities contingent upon the election authority increasing the**
5 **compensation of election judges to an amount not less than seven dollars per hour. The**
6 **secretary of state may promulgate rules to effectuate the provisions of this section.**

7 **2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
8 **that is created under the authority delegated in this section shall become effective only if**
9 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
10 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
11 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
12 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
13 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
14 **adopted after August 28, 2002, shall be invalid and void.**

115.126. **1. Notwithstanding any provision of this chapter to the contrary, election**
2 **authorities shall establish an advance voting period when eligible registered voters may**
3 **vote before any presidential election at the office of the election authority and up to four**
4 **other polling places designated by and under the control of the election authority. The**
5 **permissible advance voting period shall begin fourteen days prior to such election and end**
6 **at 5:00 p.m. on the Wednesday before the day of such election.**

7 **2. Election authorities shall, pursuant to subsection 1 of this section, establish the**

8 hours and locations for advance voting and shall post this information at the election
9 authority's office and in such other locations as the election authority may select, and shall
10 further cause notice of this information to be published twice in a newspaper of general
11 circulation prior to commencement of said advance voting period.

12 **3. Except as provided in this section, advance voting procedures shall be conducted**
13 **pursuant to sections 115.407 to 115.445. The secretary of state shall design the necessary**
14 **application for use in an advance voting program pursuant to this section. Not later than**
15 **August first of the year preceding each year in which there is a presidential election each**
16 **election authority shall submit to the secretary of state a plan and funding request to**
17 **implement the provisions of this section. The secretary of state shall submit a request for**
18 **funding to the governor based on such plans approved by the secretary of state and**
19 **funding requests submitted. If a sufficient sum is appropriated to finance the plan, an**
20 **advance voting program shall be implemented for the state at the presidential elections**
21 **held during that fiscal year. The secretary of state shall assist election authorities in**
22 **developing a plan for the implementation of an advance voting program.**

23 **4. Before the precinct registers are delivered to the polling places for an election,**
24 **the election authority shall record in the precinct registers the names of all voters who have**
25 **submitted an advance voting ballot. The election judge shall not allow any person who has**
26 **voted an advance voting ballot in the election to vote at the polls on election day. If it is**
27 **determined that any voter submitted an advance voting ballot and voted at the polls on**
28 **election day:**

29 **(1) Such person, having voted more than once, is guilty of a class one election**
30 **offense pursuant to subdivision (2) of section 115.631;**

31 **(2) The election authority shall certify that fact and the name of the voter to the**
32 **verification board. Such certificate shall be included with the abstracts drawn by the**
33 **verification board.**

115.127. 1. Except as provided in subsection 4 of this section, upon receipt of notice of
2 a special election to fill a vacancy submitted pursuant to section 115.125, the election authority
3 shall cause legal notice of the special election to be published in a newspaper of general
4 circulation in its jurisdiction. The notice shall include the name of the officer or agency calling
5 the election, the date and time of the election, the name of the office to be filled and the date by
6 which candidates must be selected or filed for the office. Within one week prior to each special
7 election to fill a vacancy held in its jurisdiction, the election authority shall cause legal notice of
8 the election to be published in two newspapers of different political faith and general circulation
9 in the jurisdiction. The legal notice shall include the date and time of the election, the name of
10 the officer or agency calling the election and a sample ballot. If there is only one newspaper of

11 general circulation in the jurisdiction, the notice shall be published in the newspaper within one
12 week prior to the election. If there are two or more newspapers of general circulation in the
13 jurisdiction, but no two of opposite political faith, the notice shall be published in any two of the
14 newspapers within one week prior to the election.

15 2. Except as provided in subsections 1 and 4 of this section and in sections 115.521,
16 115.549 and 115.593, the election authority shall cause legal notice of each election held in its
17 jurisdiction to be published. The notice shall be published in two newspapers of different
18 political faith and qualified pursuant to chapter 493, RSMo, which are published within the
19 bounds of the area holding the election. If there is only one so qualified newspaper, then notice
20 shall be published in only one newspaper. If there is no newspaper published within the bounds
21 of the election area, then the notice shall be published in two qualified newspapers of different
22 political faith serving the area. Notice shall be published twice, the first publication occurring
23 in the second week prior to the election, and the second publication occurring within one week
24 prior to the election. Each such legal notice shall include the date and time of the election, the
25 name of the officer or agency calling the election and a sample ballot; and, unless notice has been
26 given as provided by section 115.129, the second publication of notice of the election shall
27 include the location of polling places. The election authority may provide any additional notice
28 of the election it deems desirable.

29 3. The election authority shall print the official ballot as the same appears on the sample
30 ballot, and no candidate's name or ballot issue which appears on the sample ballot or official
31 printed ballot shall be stricken or removed from the ballot except on death of a candidate or by
32 court order.

33 4. In lieu of causing legal notice to be published in accordance with any of the provisions
34 of this chapter, the election authority in jurisdictions which have less than [five hundred] **seven**
35 **hundred fifty** registered voters and in which no newspaper qualified pursuant to chapter 493,
36 RSMo, is published, may cause legal notice to be mailed during the second week prior to the
37 election, by first class mail, to each registered voter at [his] **the voter's** voting address. All such
38 legal notices shall include the date and time of the election, the location of the polling place, the
39 name of the officer or agency calling the election and a sample ballot.

40 5. If the opening date for filing a declaration of candidacy for any office in a political
41 subdivision or special district is not required by law or charter, the opening filing date shall be
42 8:00 a.m., the fifteenth Tuesday prior to the election. If the closing date for filing a declaration
43 of candidacy for any office in a political subdivision or special district is not required by law or
44 charter, the closing filing date shall be 5:00 p.m., the eleventh Tuesday prior to the election. The
45 political subdivision or special district calling an election shall, before the fifteenth Tuesday prior
46 to any election at which offices are to be filled, notify the general public of the opening filing

47 date, the office or offices to be filled, the proper place for filing and the closing filing date of the
48 election. Such notification may be accomplished by legal notice published in at least one
49 newspaper of general circulation in the political subdivision or special district.

50 6. Except as provided for in sections 115.247 and 115.359, if there is no additional cost
51 for the printing or reprinting of ballots or if the candidate agrees to pay any printing or reprinting
52 costs, a candidate who has filed for an office or who has been duly nominated for an office, may,
53 at any time after the certification required in section 115.125 but no later than 5:00 p.m. on the
54 sixth Tuesday before the election, withdraw as a candidate pursuant to a court order, which,
55 except for good cause shown by the election authority in opposition thereto, shall be freely given
56 upon application by the candidate to the circuit court of the area of such candidate's residence.

115.137. 1. Except as provided in subsection 2 of this section, any citizen who is
2 entitled to register and vote shall be entitled to register for and vote **pursuant to the provisions**
3 **of this chapter** in all statewide public elections and all public elections held for districts and
4 political subdivisions within which he resides.

5 2. Any person who and only persons who fulfill the ownership requirements shall be
6 entitled to vote in elections for which ownership of real property is required by law for voting.

115.151. 1. Each qualified applicant who appears before the election authority shall be
2 deemed registered as of the time the applicant's completed, signed and sworn registration
3 application is witnessed by the election authority or deputy registration official.

4 2. Each applicant who registers by mail shall be deemed to be registered as of the date
5 the application is postmarked, if such application is accepted and not rejected by the election
6 authority and the verification notice required pursuant to section 115.155 is not returned as
7 undeliverable by the postal service.

8 3. Each applicant who registers at a voter registration agency or the division of motor
9 vehicle and drivers licensing of the department of revenue shall be deemed to be registered as
10 of the date the application is signed by the applicant, if such application is accepted and not
11 rejected by the election authority and the verification notice required pursuant to section 115.155
12 is not returned as undeliverable by the postal service. **Voter registration agencies and the**
13 **division of motor vehicle and drivers licensing of the department of revenue shall transmit**
14 **voter registration application forms to the appropriate election authority not later than five**
15 **business days after the form is completed by the applicant.**

115.157. 1. The election authority may place all information on any registration cards
2 in computerized form in accordance with subsection 2 of section 115.158. No election authority
3 or secretary of state shall furnish to any member of the public electronic media or printout
4 showing any registration information, except as provided in this section. **Except as provided**
5 **in subsection 2 of this section,** the election authority or secretary of state shall make available

6 electronic media or printouts showing unique voter identification numbers, voters' names, dates
7 of birth, addresses, townships or wards, and precincts. Electronic data shall be maintained in at
8 least the following separate fields:

- 9 (1) Voter identification number;
- 10 (2) First name;
- 11 (3) Middle initial;
- 12 (4) Last name;
- 13 (5) Suffix;
- 14 (6) Street number;
- 15 (7) Street direction;
- 16 (8) Street name;
- 17 (9) Street suffix;
- 18 (10) Apartment number;
- 19 (11) City;
- 20 (12) State;
- 21 (13) Zip code;
- 22 (14) Township;
- 23 (15) Ward;
- 24 (16) Precinct;
- 25 (17) Senatorial district;
- 26 (18) Representative district;
- 27 (19) Congressional district.

28
29 All election authorities shall enter voter history in their computerized registration systems and
30 shall, not more than six months after the election, forward such data to the centralized voter
31 registration system established in section 115.158. **Except as provided in subsection 2 of this**
32 **section,** the election authority shall also furnish, for a fee, electronic media or a printout showing
33 the names, dates of birth and addresses of voters, or any part thereof, within the jurisdiction of
34 the election authority who voted in any specific election, including primary elections, by
35 township, ward or precinct, provided that nothing in this chapter shall require such voter
36 information to be released to the public over the Internet. The amount of fees charged for
37 information provided in this section shall be established pursuant to chapter 610, RSMo. All
38 revenues collected by the secretary of state pursuant to this section shall be deposited in the state
39 treasury and credited to the secretary of state's technology trust fund account established pursuant
40 to section 28.160, RSMo. In even-numbered years, each election authority shall, upon request,
41 supply the voter registration list for its jurisdiction to all candidates and party committees for a

42 charge established pursuant to chapter 610, RSMo. **Except as provided in subsection 2 of this**
43 **section**, all election authorities shall make the information described in this section available
44 pursuant to chapter 610, RSMo. Any election authority who fails to comply with the
45 requirements of this section shall be subject to the provisions of chapter 610, RSMo.

46 **2. Any person working as an undercover officer of a law enforcement agency of this**
47 **state, agents of a federal law enforcement agency, any county, state, or federal parole**
48 **officer, any federal pretrial officer, any peace officer pursuant to section 590.010, RSMo,**
49 **any member of a parole officer's, pretrial officer's, or peace officer's immediate family,**
50 **persons in witness protection programs, and victims of domestic violence and abuse who**
51 **have received orders of protection pursuant to chapter 455, RSMo, shall be entitled to**
52 **apply to the circuit court having jurisdiction in his or her county of residence to have the**
53 **residential address on his or her voter registration records closed to the public if the release**
54 **of such information could endanger the safety of the person. Any person working as an**
55 **undercover agent or in a witness protection program shall also submit a statement from**
56 **the chief executive officer of the agency under whose direction he or she is serving. The**
57 **petition to close the residential address shall be incorporated into any petition for**
58 **protective order provided by circuit clerks pursuant to chapter 455, RSMo. If satisfied**
59 **that the person filing the petition meets the qualifications of this subsection, the circuit**
60 **court shall issue an order to the election authority to keep the residential address of the**
61 **voter a closed record and the address may be used only for the purposes of administering**
62 **elections pursuant to this chapter. The election authority may require the voter who has**
63 **a closed residential address record to verify that his or her residential address has not**
64 **changed or to file a change of address and to affirm that the reasons contained in the**
65 **original petition are still accurate prior to receiving a ballot. A change of address within**
66 **an election authority's jurisdiction shall not require that the voter file a new petition. Any**
67 **voter who no longer qualifies pursuant to this subsection to have his or her residential**
68 **address as a closed record shall notify the circuit court. Upon such notification, the circuit**
69 **court shall void the order closing the residential address and so notify the election**
70 **authority.**

115.159. 1. Any person who is qualified to register in Missouri shall, upon application,
2 be entitled to register by mail. Upon request, application forms shall be furnished by the election
3 authority or the secretary of state.

4 2. Notwithstanding any provision of law to the contrary, the election authority shall not
5 deliver any voter identification card to any person who registers to vote by mail until after such
6 person has voted, in person, after presentation of a proper form of identification, for the first time
7 following registration at his new polling place designated by the election authority.

8 **3. Notwithstanding any provision of law to the contrary, the election authority shall**
9 **not deliver any absentee ballot to any person who registers to vote by mail until after such**
10 **person has voted, in person, after presentation of a proper form of identification, for the**
11 **first time following registration at his new polling place designated by the election**
12 **authority, unless such person is incapacitated or confined due to illness or physical**
13 **disability.**

115.160. 1. All Missouri driver's license applicants shall receive a voter registration
2 application form as a simultaneous part of the application for a driver's license, renewal of
3 driver's license, change of address, duplicate request and a nondriver's license.

4 2. If a single application form is used, the voter registration application portion of any
5 application described in subsection 1 of this section may not require any information that
6 duplicates information required in the driver's license portion of the form, except a second
7 signature or other information required by law.

8 3. After conferring with the secretary of state as the chief state election official
9 responsible for overseeing of the voter registration process, the director of revenue shall adopt
10 rules and regulations pertaining to the format of the voter registration application used by the
11 department.

12 4. No information relating to the failure of an applicant for a driver's license or
13 nondriver's license to sign a voter registration application may be used for any purpose other than
14 voter registration.

15 5. Any voter registration application received pursuant to the provisions of this section
16 shall be forwarded to the election authority located within that county or any city not within a
17 county, or if there is more than one election authority within the county, then to the election
18 authority located nearest to the location where the driver's license application was received. The
19 election authority receiving the application forms shall review the applications and forward any
20 applications pertaining to a different election authority to that election authority.

21 6. A completed voter registration application accepted in the driver's licensing process
22 shall be transmitted to the election authority described in subsection 5 of this section [not later
23 than ten days after the date of acceptance or if the voter registration application is accepted
24 within five days before the last day for registration to vote in an election, the application shall
25 be transmitted to the election authority described in subsection 5 of this section] not later than
five **business** days after the [date of acceptance] **form is completed by the applicant.**

115.162. 1. A voter registration application shall be provided by the secretary of state
2 in all offices of the state that provide public assistance, all offices that provide state-funded
3 programs primarily engaged in providing services to persons with disabilities, and other offices
4 as directed by the governor. In addition all armed forces recruitment offices shall be considered

5 a voter registration agency.

6 2. At each voter registration agency, the following services shall be made available:

7 (1) Assistance to applicants in completing voter registration application forms, unless
8 the applicant refuses such assistance;

9 (2) Acceptance of completed voter registration application forms for transmittal to the
10 election authority located in the same county or any city not within a county, or if there is more
11 than one election authority within the county, to the election authority nearest to the office of the
12 agency. The election authority receiving the application forms shall review the applications and
13 forward any applications pertaining to a different election authority to that election authority[.
14 Forms shall be transmitted as soon as possible and according to dates established by the state
15 election authority];

16 (3) **Voter registration sites shall transmit voter registration application forms to the**
17 **appropriate election authority not later than five business days after the form is completed**
18 **by the applicant.**

19 (4) If a voter registration agency provides services to a person with a disability at the
20 person's home, the agency shall provide the services provided in this section at the person's
21 home.

22 3. An applicant declining to register in any agency shall be noted in a declination section
23 incorporated into the voter registration form used by the agency. No information relating to a
24 declination to register to vote in connection with an application made at a voter registration
25 agency may be used for any purpose other than voter registration.

26 [4. Subject to the approval of the secretary of state, the voter registration agency shall
27 adopt rules and regulations pertaining to the format of a voter registration application to be used
28 by that agency.]

115.163. 1. Each election authority shall arrange one set of registration cards into
2 permanent binders for each precinct, or it may authorize the creation of computerized lists for
3 each precinct. The computerized lists or binder shall be arranged alphabetically or by street
4 address as the election authority determines and shall be known as the "precinct register". At
5 least one set of registration cards shall be arranged in a central file in such a manner as the
6 election authority determines, and shall be known as the "headquarters register". The election
7 authority shall be the custodian of the registration records, and no cards or records shall be
8 removed or handled except at its direction and under its supervision. The precinct registers shall
9 be kept by the election authority in a secure place, except when given to election judges for use
10 at an election. **Except as provided in subsection 2 of section 115.157**, all registration records
11 shall be open to inspection by the public at all reasonable times.

12 2. In counties using computer printouts as precinct registers, a new computer printout

13 shall be printed prior to each election.

14 3. In those counties using computer printouts as precinct registers, the election authority
15 shall send to each voter a voter identification card not less than ninety days prior to the primary
16 election in each year in which a primary and general election will be held, unless the voter has
17 received such a card during the preceding six months **or unless the election authority, in the**
18 **year preceding the election of state auditor, has canvassed the voter registration records**
19 **through the use of postal service contractors under the federal National Change of Address**
20 **program.** The voter identification card shall contain the voter's name, address, precinct and a
21 signature line. The card may also contain other voting information at the discretion of the
22 election authority. The voter shall be instructed to sign the card for use as identification at the
23 polls. The voter identification card shall be sent to a voter after a new registration or a change
24 of address. If any voter shall lose [his] **the** voter identification card [he] **the voter** may request
25 a new one from the election authority. The voter identification card authorized pursuant to this
26 section may be used as a canvass of voters in lieu of the provisions set out in sections 115.179
27 to 115.193. **Except as provided in subsection 2 of section 115.157,** anyone, upon request and
28 payment of a reasonable fee, may obtain a printout, list and/or computer tape of those newly
29 registered voters or voters deleted from the voting rolls, since the last canvass or updating of the
30 rolls. **The election authority may authorize the use of the postal service contractors under**
31 **the federal National Change of Address program to identify those voters whose address is**
32 **not correct on the voter registration records. The election authority shall not be required**
33 **to mail a voter registration card to those voters whose addresses are incorrect.**

115.179. 1. [In each jurisdiction with a board of election commissioners, the board of
2 election commissioners] **The election authority** shall have the registration records of all
3 precincts in its jurisdiction canvassed every [four] **two** years **in accordance with subsection 3**
4 **of section 115.163** and that it be completed no later than ninety days prior to the date of a
5 primary or general election for federal office. **The election authority may utilize postal service**
6 **contractors under the federal National Change of Address program to canvass the records.**

7 2. In each jurisdiction without a board of election commissioners, the county clerk shall
8 have the registration records of all precincts in its jurisdiction canvassed every [four] **two** years
9 **in accordance with subsection 3 of section 115.163** and that it be completed no later than
10 ninety days prior to the date of a primary or general election for federal office.

115.225. 1. Before use by election authorities in this state, the secretary of state shall
2 approve the marking devices and the automatic tabulating equipment used in electronic voting
3 systems and may promulgate rules and regulations to implement the intent of sections 115.225
4 to 115.235.

5 2. No electronic voting system shall be approved unless it:

- 6 (1) Permits voting in absolute secrecy;
- 7 (2) Permits each voter to vote for as many candidates for each office as [he] **the voter**
- 8 is lawfully entitled to vote for;
- 9 (3) Permits each voter to vote for or against as many questions as [he] **the voter** is
- 10 lawfully entitled to vote on, and no more;
- 11 (4) Provides facilities for each voter to cast as many write-in votes for each office as [he]
- 12 **the voter** is lawfully entitled to cast;
- 13 (5) Permits each voter at a general election to vote for all candidates of one party by one
- 14 punch or mark or to vote a split ticket, as [he] **the voter** desires;
- 15 (6) Permits each voter in a primary election to vote for the candidates of only one party
- 16 announced by the voter in advance;
- 17 (7) Permits each voter at a presidential election to vote by use of a single punch or mark
- 18 for the candidates of one party or group of petitioners for president, vice president and their
- 19 presidential electors;
- 20 (8) Accurately counts all proper votes cast for each candidate and for and against each
- 21 question;
- 22 (9) Is set to reject all votes, except write-in votes, for any office and on any question
- 23 when the number of votes exceeds the number a voter is lawfully entitled to cast;
- 24 (10) Permits each voter, while voting, to clearly see the ballot label;
- 25 **(11) Has been tested and is certified by an independent authority that meets the**
- 26 **voting system standards developed by the Federal Election Commission or its successor**
- 27 **agency. The provisions of this subdivision shall not be required for any system purchased**
- 28 **prior to August 28, 2002.**
- 29 3. [No rule or portion of a rule promulgated under the authority of this section shall
- 30 become effective unless it has been promulgated pursuant to the provisions of section 536.024,
- 31 RSMo.] **The secretary of state shall promulgate rules and regulations to allow the use of a**
- 32 **computerized voting system. The procedures shall provide for the use of a computerized**
- 33 **voting system with:**
- 34 **(1) Multiple voting terminals for the input of vote selections on the ballot presented**
- 35 **by a main computer;**
- 36 **(2) A main computer to coordinate ballot presentation, vote selection, ballot image**
- 37 **storage, and result tabulation; and**
- 38 **(3) Ability to provide a paper audit trail.**
- 39
- 40 **Notwithstanding any provisions of this chapter to the contrary, such a system may allow**
- 41 **for the storage of processed ballot materials in an electronic form on the main computer.**

42 **4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
43 **that is created under the authority delegated in this section shall become effective only if**
44 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
45 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
46 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
47 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
48 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
49 **adopted after August 28, 2002, shall be invalid and void.**

 115.233. Within [five] **fourteen days, but within twenty-one days in all counties of**
2 **the first classification that have established a board of election commissioners,** prior to an
3 election at which an electronic voting system is to be used, the election authority shall have the
4 automatic tabulating equipment tested to ascertain that the equipment is in compliance with the
5 law and that it will correctly count the votes cast for all offices and on all questions. At least
6 forty-eight hours prior to the test, notice of the time and place of the test shall be mailed to each
7 independent and new party candidate and the chairman of the county committee of each
8 established political party named on the ballot. The test shall be observed by at least two persons
9 designated by the election authority, one from each major political party, and shall be open to
10 representatives of the political parties, candidates, the news media and the public. The test shall
11 be conducted by processing a preaudited group of ballots. If any error is detected, the cause shall
12 be ascertained and corrected, and an errorless count shall be made before the tabulating
13 equipment is approved.

 115.237. 1. Each ballot printed **or designed for use with a computerized voting**
2 **system** for any election [under the provisions of sections 115.001 to 115.641] **pursuant to this**
3 **chapter,** shall contain all questions and the names of all offices and candidates certified or filed
4 pursuant to [sections 115.001 to 115.641] **this chapter** and no other. As far as practicable, all
5 questions and the names of all offices and candidates for which each voter is entitled to vote shall
6 be printed on one page except for the ballot for political party committee persons in polling
7 places not utilizing an electronic voting system which may be printed separately and in
8 conformity with the requirements contained in this section. As far as practicable, ballots
9 containing only questions and the names of nonpartisan offices and candidates shall be printed
10 in accordance with the provisions of this section, except that the ballot information may be listed
11 in vertical or horizontal rows. The names of candidates for each office shall be listed in the order
12 in which they are filed.

13 2. Each ballot shall be plain paper, through which printing or writing cannot be read, **or**
14 **electronically designed for use with a computerized voting system,** and shall have:

15 (1) Each party name printed in capital letters not less than eighteen point in size;

- 16 (2) A circle one-half inch in diameter immediately below each party name;
- 17 (3) The name of each office printed in capital letters not less than eight point in size;
- 18 (4) The name of each candidate printed in capital letters not less than ten point in size;
- 19 (5) A small square, the sides of which shall not be less than one-fourth inch in length,
- 20 printed directly to the left of each candidate's name and on the same line as the candidate's name.
- 21 When write-in votes are authorized and no candidate's name is to be printed under the name of
- 22 an office in a party or nonpartisan column, under the name of the office in the column shall be
- 23 printed a square. Directly to the right of the square shall be printed a horizontal line on which
- 24 the voter may vote for a person whose name does not appear on the ballot. When more than one
- 25 position is to be filled for an office, and the number of candidates' names under the office in a
- 26 column is less than the number of positions to be filled, the number of squares and write-in lines
- 27 printed in the column shall equal the difference between the number of candidates' names and
- 28 the number of positions to be filled;
- 29 (6) The list of candidates of each party and all nonpartisan candidates placed in separate
- 30 columns with a heavy vertical line between each list;
- 31 (7) A horizontal line extending across the ballot three-eighths of an inch below the last
- 32 name or write-in line under each office in such a manner that the names of all candidates and all
- 33 write-in lines for the same office appear between the same horizontal lines. If write-in votes are
- 34 not authorized, the horizontal line shall extend across the ballot three-eighths of an inch below
- 35 the name of the last candidate under each office;
- 36 (8) In a separate column or beneath a heavy horizontal line under all names and write-in
- 37 lines, all questions;
- 38 (9) At least three-eighths of an inch below all other matter on the ballot, printed in ten
- 39 point Gothic type, the words "Instructions to Voters" followed by directions to the voter on
- 40 marking [his] **the** ballot as provided in section 115.439;
- 41 (10) Printed at the top on the face of the ballot the words "Official Ballot" followed by
- 42 the date of the election and the statement "Instruction to Voters: Place an X in the square
- 43 opposite the name of the person for whom you wish to vote."

44 3. As nearly as practicable, each ballot shall be in substantially the following form:

45 OFFICIAL BALLOT			DATE
46 REPUBLICAN	DEMOCRATIC	THIRD PARTY	INDEPENDENT
47 O	O	O	O
48 For President	For President	For President	For President
49 and	and	and	and
50 Vice President	Vice President	Vice President	Vice President
51 <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

52	For	For	For	For
53	United States	United States	United States	United States
54	Senator	Senator	Senator	Senator
55	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
56	For Governor	For Governor	For Governor	For Governor
57	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
58	For Lieutenant	For Lieutenant	For Lieutenant	For Lieutenant
59	Governor	Governor	Governor	Governor
60	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
61	For Secretary	For Secretary	For Secretary	For Secretary
62	of State	of State	of State	of State
63	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
64	For Treasurer	For Treasurer	For Treasurer	For Treasurer
65	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
66	For Attorney	For Attorney	For Attorney	For Attorney
67	General	General	General	General
68	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
69	For	For	For	For
70	United States	United States	United States	United States
71	Representative	Representative	Representative	Representative
72	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
73	For State	For State	For State	For State
74	Senator	Senator	Senator	Senator
75	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
76	For State	For State	For State	For State
77	Representative	Representative	Representative	Representative
78	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
79	For Circuit	For Circuit	For Circuit	For Circuit
80	Judge	Judge	Judge	Judge
81	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

115.277. 1. Except as provided in subsections 3, 4 and 5 of this section, any registered voter of this state may vote by absentee ballot for all candidates and issues for which such voter would be eligible to vote at the polling place if such voter expects to be prevented from going to the polls to vote on election day due to:

(1) Absence on election day from the jurisdiction of the election authority in which such voter is registered to vote;

- 7 (2) Incapacity or confinement due to illness or physical disability;
8 (3) Religious belief or practice;
9 (4) Employment as an election authority, as a member of an election authority, or by an
10 election authority at a location other than such voter's polling place;
11 (5) Incarceration, provided all qualifications for voting are retained; **or**
12 **(6) A person who is primarily responsible for the physical care of a person who is**
13 **incapacitated or confined due to illness or disability.**

14 2. Any person in federal service, as defined in section 115.275, who is eligible to register
15 and vote [in any election] in this state may vote in the election **for presidential and vice**
16 **presidential electors, United States senator and representative in Congress** even if the
17 person is not registered. Each person in federal service may vote by absentee ballot or, upon
18 submitting an affidavit that the person is qualified to vote in the election, may vote at the person's
19 polling place.

20 3. Any interstate former resident, as defined in section 115.275, may vote by absentee
21 ballot for presidential and vice presidential electors.

22 4. Any intrastate new resident, as defined in section 115.275, may vote by absentee ballot
23 at the election for presidential and vice presidential electors, United States senator, representative
24 in Congress, statewide elected officials and statewide questions, propositions and amendments
25 from such resident's new jurisdiction of residence after registering to vote in such resident's new
26 jurisdiction of residence.

27 5. Any new resident, as defined in section 115.275, may vote by absentee ballot for
28 presidential and vice presidential electors after registering to vote in such resident's new
29 jurisdiction of residence.

115.279. 1. Application for an absentee ballot may be made by the applicant in person,
2 or by mail, or for the applicant, in person, by his or her guardian or a relative within the second
3 degree by consanguinity or affinity. The election authority [may] **shall** accept applications by
4 facsimile transmission [at its discretion and] within the limits of its telecommunications capacity.

5 2. Each application shall be made to the election authority of the jurisdiction in which
6 the person is or would be registered. Each application shall be in writing and shall state the
7 applicant's name, address at which he or she is or would be registered, his or her reason for
8 voting an absentee ballot and the address to which the ballot is to be mailed, if mailing is
9 requested. Each application to vote in a primary election shall also state which ballot the
10 applicant wishes to receive. If any application fails to designate a ballot, the election authority
11 shall, within three working days after receiving the application, notify the applicant by mail that
12 it will be unable to deliver an absentee ballot until the applicant designates which political party
13 ballot he or she wishes to receive. If the applicant does not respond to the request for political

14 party designation, the election authority is authorized to provide the voter with that part of the
15 ballot for which no political party designation is required.

16 3. All applications for absentee ballots received prior to the sixth Tuesday before an
17 election shall be stored at the office of the election authority until such time as the applications
18 are processed in accordance with section 115.281. No application for an absentee ballot received
19 in the office of the election authority by mail, by facsimile transmission or by a guardian or
20 relative after 5:00 p.m. on the Wednesday immediately prior to the election shall be accepted by
21 any election authority. No application for an absentee ballot submitted by the applicant in person
22 after 5:00 p.m. on the day before the election shall be accepted by any election authority, except
23 as provided in subsections 6, 8 and 9 of this section.

24 4. Each application for an absentee ballot shall be signed by the applicant or, if the
25 application is made by a guardian or relative pursuant to the provisions of this section, the
26 application shall be signed by the guardian or relative, who shall note on the application his or
27 her relationship to the applicant. If an applicant, guardian or relative is blind, unable to read or
28 write the English language or physically incapable of signing the application, he or she shall sign
29 by mark, witnessed by the signature of an election official or person of his or her own choosing.
30 Any person who knowingly makes, delivers or mails a fraudulent absentee ballot application
31 shall be guilty of a class one election offense.

32 5. Notwithstanding any law to the contrary, any resident of the state of Missouri who
33 resides outside the boundaries of the United States or who is on active duty with the armed forces
34 of the United States or members of their immediate family living with them may request an
35 absentee ballot for both the primary and subsequent general election with one application.

36 6. An application for an absentee ballot by a new resident, as defined in section 115.275,
37 shall be submitted in person by the applicant in the office of the election authority in the election
38 jurisdiction in which such applicant resides. The application shall be received by the election
39 authority no later than 7:00 p.m. on the day of the election. Such application shall be in the form
40 of an affidavit, executed in duplicate in the presence of the election authority or any authorized
41 officer of the election authority, and in substantially the following form:

42 "STATE OF.....

43 COUNTY OF....., ss.

44 I....., do solemnly swear that:

45 (1) Before becoming a resident of this state, I resided at (residence address)
46 in (town, township, village or city) of County in the state of
47

48 (2) I moved to this state after the last day to register to vote in such general presidential
49 election and I am now residing in the county of, state of Missouri;

50 (3) I believe I am entitled pursuant to the laws of this state to vote in the presidential
51 election to be held November, (year);

52 (4) I hereby make application for a presidential and vice presidential ballot. I have not
53 voted and shall not vote other than by this ballot at such election.

54 Signed

55 (Applicant)

56

57 (Residence Address)

58 Subscribed and sworn to before me this day of,

59 Signed

60 (Title and name of officer authorized to administer oaths)"

61 7. The election authority in whose office an application is filed pursuant to subsection
62 6 of this section shall immediately send a duplicate of such application to the appropriate official
63 of the state in which the new resident applicant last resided and shall file the original of such
64 application in its office.

65 8. An application for an absentee ballot by an intrastate new resident, as defined in
66 section 115.275, shall be made in person by the applicant in the office of the election authority
67 in the election jurisdiction in which such applicant resides. The application shall be received by
68 the election authority no later than 7:00 p.m. on the day of the election. Such application shall
69 be in the form of an affidavit, executed in duplicate in the presence of the election authority or
70 an authorized officer of the election authority, and in substantially the following form:

71 "STATE OF

72 COUNTY OF, ss.

73 I,, do solemnly swear that:

74 (1) Before becoming a resident of this election jurisdiction, I resided at
75 (residence address) in (town, township, village or city) of county in the
76 state of

77 (2) I moved to this election jurisdiction after the last day to register to vote in such
78 election;

79 (3) I believe I am entitled pursuant to the laws of this state to vote in the election to be
80 held (date);

81 (4) I hereby make application for an absentee ballot for candidates and issues on which
82 I am entitled to vote pursuant to the laws of this state. I have not voted and shall not vote other
83 than by this ballot at such election.

84 Signed

85 (Applicant)

86
 87 (Residence Address)
 88 Subscribed and sworn to before me this day of,
 89 Signed
 90 (Title and name of officer authorized to administer oaths)"

91 9. An application for an absentee ballot by an interstate former resident, as defined in
 92 section 115.275, shall be received in the office of the election authority where the applicant was
 93 formerly registered by 5:00 p.m. on the Wednesday immediately prior to the election, unless the
 94 application is made in person by the applicant in the office of the election authority, in which
 95 case, such application shall be made no later than 7:00 p.m. on the day of the election.

115.283. 1. Each ballot envelope shall bear a statement on which the voter shall state
 2 the voter's name, the voter's voting address, the voter's mailing address and the voter's reason for
 3 voting an absentee ballot. On the form, the voter shall also state, under penalties of perjury that
 4 the voter is qualified to vote in the election, that the voter has not previously voted and will not
 5 vote again in the election, that the voter has personally marked the voter's ballot in secret or
 6 supervised the marking of the voter's ballot if the voter is unable to mark it, that the ballot has
 7 been placed in the ballot envelope and sealed by the voter or under the voter's supervision if the
 8 voter is unable to seal it, and that all information contained in the statement is true. In addition,
 9 any person providing assistance to the absentee voter shall include a statement on the envelope
 10 identifying the person providing assistance under penalties of perjury. Persons authorized to vote
 11 only for federal and statewide officers shall also state their former Missouri residence.

12 2. The statement for persons voting absentee ballots who are registered voters shall be
 13 in substantially the following form:

14 State of Missouri

15 County (City) of

16 I, (print name), a registered voter of County
 17 (City of St. Louis, Kansas City), declare under the penalties of perjury that I expect to be
 18 prevented from going to the polls on election day due to (check one):

19 absence on election day from the jurisdiction of the election authority in which I am
 20 registered;

21 incapacity or confinement due to illness or physical disability;

22 religious belief or practice;

23 employment as an election authority or by an election authority at a location other than
 24 my polling place;

25 incarceration, although I have retained all the necessary qualifications for voting;

26 **caring for a person who is incapacitated or confined due to illness or disability.**

27 I hereby state under penalties of perjury that I am qualified to vote at this election; I have not
 28 voted and will not vote other than by this ballot at this election. I further state that I marked the
 29 enclosed ballot in secret or that I am blind, unable to read or write English, or physically
 30 incapable of marking the ballot, and the person of my choosing indicated below marked the
 31 ballot at my direction; all of the information on this statement is, to the best of my knowledge
 32 and belief, true.

33

34 Signature of Voter

35

36

37

38

39 Address of Voter

40

41

42 Mailing addresses

43 (if different)

44

.....

Signature of Person

Assisting Voter

(if applicable)

Subscribed and sworn to

before me this day

of,

.....

Signature of notary or

other officer authorized

to administer oaths

45 3. The statement for persons voting absentee ballots pursuant to the provisions of
 46 subsection 2, 3, 4 or 5 of section 115.277 without being registered shall be in substantially the
 47 following form:

48 State of Missouri

49 County (City) of.....

50 I, (print name), declare under the penalties of perjury that I am a citizen of the
 51 United States and eighteen years of age or older. I am not adjudged incapacitated by any court
 52 of law, and if I have been convicted of a felony or of a misdemeanor connected with the right of
 53 suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to
 54 law. I hereby state under penalties of perjury that I am qualified to vote at this election.

55 (1) I am a resident of the state of Missouri and (check one):

56 am a member of the U.S. armed forces in active service;

57 am an active member of the U.S. merchant marine;

58 am a civilian employee of the U.S. government working outside the United States;

59 am an active member of a religious or welfare organization assisting servicemen;

60 have been honorably discharged or terminated my service in one of the groups mentioned
 61 above within sixty days of this election;

62 am a spouse or dependent of one of the above;

63 am a registered voter in County and moved from that county to
 64 County, Missouri, after the last day to register to vote in this election.

65 OR (check if applicable)

66 (2) I am an interstate former resident of Missouri and authorized to vote
 67 for presidential and vice presidential electors. I further state under penalties of perjury that I
 68 have not voted and will not vote other than by this ballot at this election; I marked the enclosed
 69 ballot in secret or am blind, unable to read or write English, or physically incapable of marking
 70 the ballot, and the person of my choosing indicated below marked the ballot at my direction; all
 71 of the information on this statement is, to the best of my knowledge and belief, true.

72 Subscribed to and sworn
 73 Signature of Voter before me this day
 74 of,

75
 76
 77 Address of Voter Signature of notary or
 78 other officer authorized
 79 to administer oaths

80
 81
 82 Mailing Address
 83 (if different)

84
 85 Signature of Person Address of Last Missouri
 86 Assisting Voter Residence(if applicable)

87 4. The statement for persons voting absentee ballots who are entitled to vote at the
 88 election pursuant to the provisions of subsection 2 of section 115.137 shall be in substantially
 89 the following form:

90 State of Missouri
 91 County (City) of

92 I, (print name), declare under the penalties of perjury that I expect to
 93 be prevented from going to the polls on election day due to (check one):

94 absence on election day from the jurisdiction of the election authority in which I am
 95 directed to vote;

96 incapacity or confinement due to illness or physical disability;

97 religious belief or practice;

98 employment as an election authority or by an election authority at a location other than

99 my polling place;

100 incarceration, although I have retained all the necessary qualifications of voting;

101 **caring for a person who is incapacitated or confined due to illness or disability.**

102

103 I hereby state under penalties of perjury that I own property in the district and am
 104 qualified to vote at this election; I have not voted and will not vote other than by this ballot at
 105 this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable
 106 to read and write English, or physically incapable of marking the ballot, and the person of my
 107 choosing indicated below marked the ballot at my direction; all of the information on this
 108 statement is, to the best of my knowledge and belief, true.

109

Subscribed and sworn to

110 Signature of Voter

before me this

111

day of,

112

113

114 Address

.....
 Signature of notary or

115

other officer authorized

116

to administer oaths

117

118 Signature of Person

119 Assisting Voter

120 (if applicable)

121 5. The statement for persons providing assistance to absentee voters shall be in
 122 substantially the following form:

123 The voter needed assistance in marking the ballot and signing above, because of blindness, other
 124 physical disability, or inability to read or to read English. I marked the ballot enclosed in this
 125 envelope at the voter's direction, when I was alone with the voter, and I had no other
 126 communication with the voter as to how he or she was to vote. The voter swore or affirmed the
 127 voter affidavit above and I then signed the voter's name and completed the other voter
 128 information above. Signed under the penalties of perjury.

129

130 Reason why voter needed assistance:

131 ASSISTING PERSON SIGN HERE

132 1. (signature of assisting person)

133 2. (assisting person's name printed)

134 3. (assisting person's residence)

135 4. (assisting person's home city or town).

136 6. Notwithstanding any other provision of this section, any resident of the state of
137 Missouri who resides outside the boundaries of the United States or who is on active duty with
138 the armed forces of the United States or members of their immediate family living with them or
139 persons who have declared themselves to be permanently disabled pursuant to section 115.284,
140 otherwise entitled to vote, shall not be required to obtain a notary seal or signature on his or her
141 absentee ballot.

142 7. Notwithstanding any other provision of this section or section 115.291 to the contrary,
143 the subscription, signature and seal of a notary or other officer authorized to administer oaths
144 shall not be required on any ballot, ballot envelope, or statement required by this section if the
145 reason for the voter voting absentee is due to [illness or physical disability] **the reasons**
146 **established pursuant to subdivisions (2) and (6) of subsection 1 of section 115.277.**

115.291. 1. Upon receiving an absentee ballot, the voter shall mark [his] **the** ballot in
2 secret, place the ballot in the ballot envelope, seal the envelope and fill out the statement on the
3 ballot envelope. The affidavit of each person voting an absentee ballot shall be subscribed and
4 sworn to before the election official receiving the ballot, a notary public or other officer
5 authorized by law to administer oaths, unless the voter is voting absentee due to incapacity or
6 confinement due to the provisions of section 115.284, illness or physical disability. If the voter
7 is blind, unable to read or write the English language, or physically incapable of voting [his] **the**
8 ballot, [he] **the voter** may be assisted by a person of [his] **the voter's** own choosing. Any person
9 assisting a voter who is not entitled to such assistance, and any person who assists a voter and
10 in any manner coerces or initiates a request or a suggestion that the voter vote for or against or
11 refrain from voting on any question, ticket or candidate, shall be guilty of a class one election
12 offense. If, upon counting, challenge or election contest, it is ascertained that any absentee ballot
13 was voted with unlawful assistance, the ballot shall be rejected.

14 2. Each absentee ballot shall be returned to the election authority in the ballot envelope
15 and shall only be returned by the voter in person, **or in person by a relative of the voter who**
16 **is within the second degree of consanguinity or affinity**, by mail or registered carrier or by a
17 team of deputy election authorities; **except that persons in federal service, when sent from**
18 **a location determined by the secretary of state to be inaccessible on election day, shall be**
19 **allowed to return their absentee ballots cast by use of facsimile transmission or under a**
20 **program approved by the Department of Defense for electronic transmission of election**
21 **materials.**

22 3. In cases of an emergency declared by the President of the United States or the
23 governor of this state where the conduct of an election may be affected, the secretary of state may
24 provide for the delivery and return of absentee ballots by use of a facsimile transmission device

25 or system. Any rule promulgated pursuant to this subsection shall apply to a class or classes of
26 voters as provided for by the secretary of state.

115.409. Except election authority personnel, election judges, watchers and challengers
2 appointed pursuant to section 115.105 or 115.107, law enforcement officials at the request of
3 election officials or in the line of duty, minor children under the age of eighteen accompanying
4 an adult who is in the process of voting, **international observers who have registered as such**
5 **with the election authority**, persons designated by the election authority to administer a
6 simulated youth election for persons ineligible to vote because of their age, members of the news
7 media who present identification satisfactory to the election judges and who are present only for
8 the purpose of bona fide news coverage except as provided in subdivision (18) of section
9 115.637, provided that such coverage does not disclose how any voter cast [his] **the voter's**
10 ballot on any question or candidate or in the case of a primary election on which party ballot they
11 voted or does not interfere with the general conduct of the election as determined by the election
12 judges or election authority, and registered voters who are eligible to vote at the polling place,
13 no person shall be admitted to a polling place.

115.417. 1. Before the time fixed by law for the opening of the polls, the election
2 authority shall deliver to each polling place a sufficient number of voter instruction cards which
3 include the following information:

4 (1) If paper ballots or an electronic voting system is used, the instructions shall inform
5 the voter on how to obtain a ballot for voting, how to vote and prepare the ballot for deposit in
6 the ballot box and how to obtain a new ballot to replace one accidentally spoiled;

7 (2) If voting machines are used, the instructions shall inform the voter how to operate
8 the machine in such a manner that [he] **the voter** may vote as [he] **the voter** wishes.

9 2. **The election authority at each polling place shall post in a conspicuous place**
10 **voting instructions on a poster no smaller than twenty-four inches by thirty inches. Such**
11 **instructions shall also inform the voter that the voting equipment can be demonstrated**
12 **upon request of the voter.**

13 3. If marking devices or voting machines are used, the election authority shall also
14 provide to each polling place a model of a marking device or portion of the face of a voting
15 machine. If requested to do so by a voter, the election judges shall give instructions on operation
16 of the marking device or voting machine by use of the model.

17 4. **The secretary of state may develop multi-lingual voting instructions to be made**
18 **available to election authorities.**

115.419. Before the time fixed by law for the opening of the polls, the election authority
2 shall deliver to each polling place a sufficient number of sample ballots, ballot cards or ballot
3 labels which shall be a different color but otherwise exact copies of the official ballot. The

4 samples shall be printed in the form of a diagram, showing the form of the ballot or the front of
5 the marking device or voting machine as it will appear on election day. **The secretary of state**
6 **may develop multi-lingual sample ballots to be made available to election authorities.**

2 **115.420. 1. An election authority operating a voting system that uses ballot cards**
3 **shall not use a butterfly ballot.**

3 **2. For purposes of this section, "butterfly ballot" means a ballot where two ballot**
4 **pages are used side by side and where voters must vote on candidates or issues on both**
5 **sides of the pages.**

2 115.433. After the voter's identification certificate has been initialed, two judges of
3 different **major** political parties, **or one judge from a major political party and one judge**
4 **with no political affiliation**, shall, where paper ballots or ballot cards are used, initial the voter's
5 ballot or ballot card.

2 115.453. Election judges shall count votes for all candidates in the following manner:
3 (1) If a cross (X) mark appears in the circle immediately below a party name at the head
4 of a column, each candidate of the party shall be counted as voted for. If a cross (X) mark
5 appears in the circle immediately below more than one party name, no candidate shall be counted
6 as voted for, except a candidate before whose name a cross (X) mark appears in the square
7 preceding the name and a cross (X) mark does not appear in the square preceding the name of
8 any candidate for the same office in another column. If a cross (X) mark appears in the circle
9 immediately below a party name at the head of a column, and a cross (X) mark appears in the
10 square next to the name of any candidate in another column, each candidate of the party whose
11 circle is marked shall be counted as voted for, except where a cross (X) mark appears in the
12 square preceding the name of any candidate in another column. Except as provided in this
13 subdivision and subdivision (2) of this section, each candidate with a cross (X) mark in the
14 square preceding his or her name shall be counted as voted for.

15 (2) If no cross (X) mark appears in the circle immediately below any party name, but a
16 cross (X) mark does appear in the square next to any candidate's name, the name of each
17 candidate next to which a cross (X) mark appears shall be counted as voted for, and no other
18 name shall be counted as voted for. If cross (X) marks appear next to the names of more
19 candidates for an office than are entitled to fill the office, no candidate for the office shall be
20 counted as voted for. If more than one candidate is to be nominated or elected to an office, and
21 any voter has voted for the same candidate more than once for the same office at the same
22 election, no votes cast by the voter for the candidate shall be counted.

23 (3) No vote shall be counted for any candidate that is not marked substantially in
24 accordance with the provisions of this section. The judges shall count votes marked substantially
in accordance with this section when the intent of the voter seems clear. **Regulations**

25 **promulgated by the secretary of state shall be used by the judges to determine voter intent.**

26 No ballot containing any proper votes shall be rejected for containing fewer marks than are
27 authorized by law.

28 (4) Write-in votes shall be counted only for candidates for election to office who have
29 filed a declaration of intent to be a write-in candidate for election to office with the proper
30 election authority, who shall then notify the proper filing officer of the write-in candidate prior
31 to 5:00 p.m. on the second Friday immediately preceding the election day; except that, write-in
32 votes shall be counted only for candidates for election to state or federal office who have filed
33 a declaration of intent to be a write-in candidate for election to state or federal office with the
34 secretary of state pursuant to section 115.353 prior to 5:00 p.m. on the second Friday
35 immediately preceding the election day. No person who filed as a party or independent candidate
36 for nomination or election to an office may, without withdrawing as provided by law, file as a
37 write-in candidate for election to the same office for the same term. No candidate who files for
38 nomination to an office and is not nominated at a primary election may file a declaration of intent
39 to be a write-in candidate for the same office at the general election. When declarations are
40 properly filed with the secretary of state, the secretary of state shall promptly transmit copies of
41 all such declarations to the proper election authorities for further action pursuant to this section.
42 The election authority shall furnish a list to the election judges and counting teams prior to
43 election day of all write-in candidates who have filed such declaration. This subdivision shall
44 not apply to elections wherein candidates are being elected to an office for which no candidate
45 has filed.

46 (5) Write-in votes shall be cast and counted for a candidate without party designation.
47 Write-in votes for a person cast with a party designation shall not be counted. Except for
48 candidates for political party committees, no candidate shall be elected as a write-in candidate
49 unless such candidate receives a separate plurality of the votes without party designation
50 regardless of whether or not the total write-in votes for such candidate under all party and
51 without party designations totals a majority of the votes cast.

52 (6) When submitted to the election authority, each declaration of intent to be a write-in
53 candidate for the office of United States president shall include the name of a candidate for vice
54 president and the name of nominees for presidential elector equal to the number to which the
55 state is entitled. At least one qualified resident of each congressional district shall be nominated
56 as presidential elector. Each such declaration of intent to be a write-in candidate shall be
57 accompanied by a declaration of candidacy for each presidential elector in substantially the form
58 set forth in subsection 3 of section 115.399. Each declaration of candidacy for the office of
59 presidential elector shall be subscribed and sworn to by the candidate before the election official
60 receiving the declaration of intent to be a write-in, notary public or other officer authorized by

61 law to administer oaths.

115.493. The election authority shall keep all voted ballots, ballot cards, **processed**
2 **ballot materials in electronic form** and write-in forms, and all applications, statements,
3 certificates, affidavits and computer programs relating to each election for twelve months after
4 the date of the election. During the time that voted ballots, ballot cards, **processed ballot**
5 **materials in electronic form** and write-in forms are kept by the election authority, it shall not
6 open or inspect them or allow anyone else to do so, except upon order of a legislative body trying
7 an election contest, a court or a grand jury. After twelve months, the ballots, ballot cards,
8 **processed ballot materials in electronic form**, write-in forms, applications, statements,
9 certificates, affidavits and computer programs relating to each election may be destroyed. If an
10 election contest, grand jury investigation or civil or criminal case relating to the election is
11 pending at the time, however, the materials shall not be destroyed until the contest, investigation
12 or case is finally determined.

115.507. 1. Not later than the second Tuesday after the election, the verification board
2 shall issue a statement announcing the results of each election held within its jurisdiction and
3 shall certify the returns to each political subdivision and special district submitting a candidate
4 or question at the election. The statement shall include a categorization of the number of regular
5 and absentee votes cast in the election, and how those votes were cast; provided however, that
6 absentee votes shall not be reported separately where such reporting would disclose how any
7 single voter cast his or her vote. When absentee votes are not reported separately the statement
8 shall include the reason why such reporting did not occur. Nothing in this section shall be
9 construed to require the election authority to tabulate absentee ballots by precinct on election
10 night.

11 2. The verification board shall prepare the returns by drawing an abstract of the votes
12 cast for each candidate and on each question submitted to a vote of people in its jurisdiction by
13 the state and by each political subdivision and special district at the election. The abstract of
14 votes drawn by the verification board shall be the official returns of the election.

15 3. **Any home rule city with more than four hundred thousand inhabitants and**
16 **located in more than one county may by ordinance designate one of the election authorities**
17 **situated partially or wholly within that home rule city to be the verification board that**
18 **shall certify the returns of such city submitting a candidate or question at any election and**
19 **shall notify each verification board within the city of that designation by providing each**
20 **with a copy of such duly adopted ordinance. Not later than the second Tuesday after any**
21 **election in any city making such a designation, each verification board within the city shall**
22 **certify the returns of such city submitting a candidate or question at the election to the**
23 **election authority so designated by the city to be its verification board, and such election**

24 **authority shall announce the results of the election and certify the cumulative returns to**
25 **the city in conformance with subsections 1 and 2 of this section not later than ten days**
26 **thereafter.**

27 4. Not later than the second Tuesday after each election at which the name of a candidate
28 for nomination or election to the office of president of the United States, United States senator,
29 representative in Congress, governor, lieutenant governor, state senator, state representative,
30 judge of the circuit court, secretary of state, attorney general, state treasurer, or state auditor, or
31 at which an initiative, referendum, constitutional amendment or question of retaining a judge
32 subject to the provisions of article V, section 29 of the state constitution, appears on the ballot
33 in a jurisdiction, the election authority of the jurisdiction shall mail or deliver to the secretary of
34 state the abstract of the votes given in its jurisdiction, by polling place or precinct, for each such
35 office and on each such question. If mailed, the abstract shall be enclosed in a strong, sealed
36 envelope or envelopes. On the outside of each envelope shall be printed: "Returns of election
37 held in the county of (City of St. Louis, Kansas City) on the day of,,
38 ", etc.

115.613. 1. Except as provided in subsection 4 of this section, the qualified man and
2 woman receiving the highest number of votes from each committee district for committeeman
3 and committeewoman of a party shall be members of the county committee of the party.

4 2. If two or more qualified persons receive an equal number of votes for county
5 committeeman or committeewoman of a party and a higher number of votes than any other
6 qualified person from the party, a vacancy shall exist on the county committee which shall be
7 filled by a majority of the committee in the manner provided in section 115.617.

8 3. If no qualified person is elected county committeeman or committeewoman from a
9 committee district for a party, a vacancy shall exist on the county committee which shall be filled
10 by a majority of the committee in the manner provided in section 115.617.

11 4. The provisions of this subsection shall apply only in any county where no filing fee
12 is required for filing a declaration of candidacy for committeeman or committeewoman in a
13 committee district. **If only one qualified candidate has filed a declaration of candidacy for**
14 **committeeman or committeewoman in a committee district for a party prior to the deadline**
15 **established by law, no election shall be held for committeeman or committeewoman in the**
16 **committee district for that party and the election authority shall certify the qualified**
17 **candidate in the same manner and at the same time as candidates elected pursuant to**
18 **subsection 1 of this section are certified.** If no qualified candidate files for committeeman or
19 committeewoman in a committee district for a party, no election shall be held and a vacancy shall
20 exist on the county committee which shall be filled by a majority of the committee in the manner
21 provided in section 115.617. [The state shall pay the cost of producing ballots for any election

22 held for the purposes of this subsection. The election authority shall pay all public notice costs
23 for any election held pursuant to this subsection.]

**115.801. Subject to appropriation from general revenue funds, the secretary of state
2 shall administer a grant program in an amount not to exceed one hundred thousand
3 dollars annually for the purpose of involving youth in youth voting programs. The
4 secretary of state may promulgate rules to effectuate the provisions of this section.**

**115.803. The secretary of state shall administer a grant program for the purpose
2 of allowing election authorities to receive grants from the federal government for the
3 purpose of improving the election process in federal elections. The secretary of state may
4 promulgate rules to effectuate the provisions of this section.**

**115.806. Any rule or portion of a rule, as that term is defined in section 536.010,
2 RSMo, that is created under the authority delegated in sections 115.645, 115.801 and
3 115.803 shall become effective only if it complies with and is subject to all of the provisions
4 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter
5 536, RSMo, are nonseverable and if any of the powers vested with the general assembly
6 pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and
7 annul a rule are subsequently held unconstitutional, then the grant of rulemaking
8 authority and any rule proposed or adopted after August 28, 2002, shall be invalid and
9 void.**

**130.018. 1. Every governor-elect shall form a gubernatorial inaugural committee
2 to receive and accept contributions (monetary and in-kind) to be used solely in support of
3 the governor-elect's inaugural activities. Such committee shall be subject to all reporting
4 requirements, penalties, procedures, limitations, and obligations of candidate committees
5 and of candidates for the office of governor as provided in sections 130.011 to 130.160, and
6 shall be subject to any regulations adopted pursuant to such sections.**

**7 2. No expenditure of public funds shall be made in support of any gubernatorial
8 inaugural activity until the governor-elect has formed a gubernatorial inaugural committee
9 as provided by this section. The expenditure of public funds shall not be subject to the
10 contribution limitation in section 130.032, RSMo.**

**11 3. Any funds remaining in the inaugural committee's bank account after all
12 inaugural expenses have been paid shall escheat to the state.**

**130.026. 1. For the purpose of this section, the term "election authority" or "local
2 election authority" means the county clerk, except that in a city or county having a board of
3 election commissioners the board of election commissioners shall be the election authority. For
4 any political subdivision or other district which is situated within the jurisdiction of more than
5 one election authority, as defined herein, the election authority is the one in whose jurisdiction**

6 the candidate resides or, in the case of ballot measures, the one in whose jurisdiction the most
7 populous portion of the political subdivision or district for which an election is held is situated,
8 except that a county clerk or a county board of election commissioners shall be the election
9 authority for all candidates for elective county offices other than county clerk and for any
10 countywide ballot measures.

11 2. The appropriate officer or officers for candidates and ballot measures shall be as
12 follows:

13 (1) In the case of candidates for the offices of governor, lieutenant governor, secretary
14 of state, state treasurer, state auditor, attorney general, judges of the supreme court and appellate
15 court judges, the appropriate officer shall be the Missouri ethics commission, **in the case of**
16 **candidates for the office of speaker of the house of representatives, the appropriate officer**
17 **shall be the Missouri ethics commission, and in the case of candidates for the office of**
18 **president pro tem of the senate, the appropriate officer shall be the Missouri ethics**
19 **commission;**

20 (2) Notwithstanding the provisions of subsection 1 of this section, in the case of
21 candidates for the offices of state senator, state representative, county clerk, and associate circuit
22 court judges and circuit court judges, the appropriate officers shall be the Missouri ethics
23 commission and the election authority for the place of residence of the candidate;

24 (3) In the case of candidates for elective municipal offices in municipalities of more than
25 one hundred thousand inhabitants and elective county offices in counties of more than one
26 hundred thousand inhabitants, the appropriate officers shall be the Missouri ethics commission
27 and the election authority of the municipality or county in which the candidate seeks office;

28 (4) In the case of all other offices, the appropriate officer shall be the election authority
29 of the district or political subdivision for which the candidate seeks office;

30 (5) In the case of ballot measures, the appropriate officer or officers shall be:

31 (a) The Missouri ethics commission for a statewide measure;

32 (b) The local election authority for any political subdivision or district as determined by
33 the provisions of subsection 1 of this section for any measure, other than a statewide measure,
34 to be voted on in that political subdivision or district.

35 3. The appropriate officer or officers for candidate committees and campaign committees
36 shall be the same as designated in subsection 2 of this section for the candidates or ballot
37 measures supported or opposed as indicated in the statement of organization required to be filed
38 by any such committee.

39 4. The appropriate officer for political party committees shall be as follows:

40 (1) In the case of state party committees, the appropriate officer shall be the Missouri
41 ethics commission;

42 (2) In the case of any district, county or city political party committee, the appropriate
43 officer shall be the Missouri ethics commission and the election authority for that district, county
44 or city.

45 5. The appropriate officers for a continuing committee and for any other committee not
46 named in subsections 3, 4 and 5 of this section shall be as follows:

47 (1) The Missouri ethics commission and the election authority for the county in which
48 the committee is domiciled; and

49 (2) If the committee makes or anticipates making expenditures other than direct
50 contributions which aggregate more than five hundred dollars to support or oppose one or more
51 candidates or ballot measures in the same political subdivision or district for which the
52 appropriate officer is an election authority other than the one for the county in which the
53 committee is domiciled, the appropriate officers for that committee shall include such other
54 election authority or authorities, except that committees covered by this subsection need not file
55 statements required by section 130.021 and reports required by subsections 6, 7 and 8 of section
56 130.046 with any appropriate officer other than those set forth in subdivision (1) of this
57 subsection.

58 6. The term "domicile" or "domiciled" means the address of the committee listed on the
59 statement of organization required to be filed by that committee in accordance with the
60 provisions of section 130.021.

130.046. 1. The disclosure reports required by section 130.041 for all committees shall
2 be filed at the following times and for the following periods:

3 (1) Not later than the eighth day before an election for the period closing on the twelfth
4 day before the election if the committee has made any contribution or expenditure either in
5 support or opposition to any candidate or ballot measure;

6 (2) Not later than the thirtieth day after an election for a period closing on the
7 twenty-fifth day after the election, if the committee has made any contribution or expenditure
8 either in support of or opposition to any candidate or ballot measure; except that, a successful
9 candidate who takes office prior to the twenty-fifth day after the election shall have complied
10 with the report requirement of this subdivision if a disclosure report is filed by such candidate
11 and any candidate committee under the candidate's control before such candidate takes office,
12 and such report shall be for the period closing on the day before taking office; and

13 (3) Not later than the fifteenth day following the close of each calendar quarter.

14

15 Notwithstanding the provisions of this subsection, if any committee accepts contributions or
16 makes expenditures in support of or in opposition to a ballot measure or a candidate **except a**
17 **candidate seeking office in any special election occurring on or after January 1, 1999**, and

18 the report required by this subsection for the most recent calendar quarter is filed prior to the
19 fortieth day before the election on the measure or candidate, the committee shall file an
20 additional disclosure report not later than the fortieth day before the election for the period
21 closing on the forty-fifth day before the election.

22 2. In the case of a ballot measure to be qualified to be on the ballot by initiative petition
23 or referendum petition, or a recall petition seeking to remove an incumbent from office,
24 disclosure reports relating to the time for filing such petitions shall be made as follows:

25 (1) In addition to the disclosure reports required to be filed pursuant to subsection 1 of
26 this section the treasurer of a committee, other than a continuing committee, supporting or
27 opposing a petition effort to qualify a measure to appear on the ballot or to remove an incumbent
28 from office shall file an initial disclosure report fifteen days after the committee begins the
29 process of raising or spending money. After such initial report, the committee shall file quarterly
30 disclosure reports as required by subdivision (3) of subsection 1 of this section until such time
31 as the reports required by subdivisions (1) and (2) of subsection 1 of this section are to be filed.
32 In addition the committee shall file a second disclosure report no later than the fifteenth day after
33 the deadline date for submitting such petition. The period covered in the initial report shall begin
34 on the day the committee first accepted contributions or made expenditures to support or oppose
35 the petition effort for qualification of the measure and shall close on the fifth day prior to the date
36 of the report;

37 (2) If the measure has qualified to be on the ballot in an election and if a committee
38 subject to the requirements of subdivision (1) of this subsection is also required to file a
39 preelection disclosure report for such election any time within thirty days after the date on which
40 disclosure reports are required to be filed in accordance with subdivision (1) of this subsection,
41 the treasurer of such committee shall not be required to file the report required by subdivision
42 (1) of this subsection, but shall include in the committee's preelection report all information
43 which would otherwise have been required by subdivision (1) of this subsection.

44 3. The candidate, if applicable, treasurer or deputy treasurer of a committee shall file
45 disclosure reports pursuant to this section, except for any calendar quarter in which the
46 contributions received by the committee or the expenditures or contributions made by the
47 committee do not exceed five hundred dollars. The reporting dates and periods covered for such
48 quarterly reports shall not be later than the fifteenth day of January, April, July and October for
49 periods closing on the thirty-first day of December, the thirty-first day of March, the thirtieth day
50 of June and the thirtieth day of September. No candidate, treasurer or deputy treasurer shall be
51 required to file the quarterly disclosure report required not later than the fifteenth day of any
52 January immediately following a November election, provided that such candidate, treasurer or
53 deputy treasurer shall file the information required on such quarterly report on the quarterly

54 report to be filed not later than the fifteenth day of April immediately following such November
55 election. Each report by such committee shall be cumulative from the date of the last report. In
56 the case of the continuing committee's first report, the report shall be cumulative from the date
57 of the continuing committee's organization. Every candidate, treasurer or deputy treasurer shall
58 file, at a minimum, the campaign disclosure reports covering the quarter immediately preceding
59 the date of the election and those required by subdivisions (1) and (2) of subsection 1 of this
60 section. A continuing committee shall submit additional reports if it makes aggregate
61 expenditures, other than contributions to a committee, of five hundred dollars or more, within
62 the reporting period at the following times for the following periods:

63 (1) Not later than the seventh day before an election for the period closing on the twelfth
64 day before the election;

65 (2) Not later than forty-eight hours after aggregate expenditures of five hundred dollars
66 or more are made after the twelfth day before the election; and

67 (3) Not later than the thirtieth day after an election for a period closing on the
68 twenty-fifth day after the election.

69 4. The reports required to be filed no later than the thirtieth day after an election and any
70 subsequently required report shall be cumulative so as to reflect the total receipts and
71 disbursements of the reporting committee for the entire election campaign in question. The
72 period covered by each disclosure report shall begin on the day after the closing date of the most
73 recent disclosure report filed and end on the closing date for the period covered. If the
74 committee has not previously filed a disclosure report, the period covered begins on the date the
75 committee was formed; except that in the case of a candidate committee, the period covered
76 begins on the date the candidate became a candidate according to the definition of the term
77 candidate in section 130.011.

78 5. Notwithstanding any other provisions of this chapter to the contrary:

79 (1) Certain disclosure reports pertaining to any candidate who receives nomination in
80 a primary election and thereby seeks election in the immediately succeeding general election
81 shall not be required in the following cases:

82 (a) If there are less than fifty days between a primary election and the immediately
83 succeeding general election, the disclosure report required to be filed quarterly; provided that,
84 any other report required to be filed prior to the primary election and all other reports required
85 to be filed not later than the seventh day before the general election are filed no later than the
86 final dates for filing such reports;

87 (b) If there are less than eighty-five days between a primary election and the immediately
88 succeeding general election, the disclosure report required to be filed not later than the thirtieth
89 day after the primary election need not be filed; provided that any report required to be filed prior

90 to the primary election and any other report required to be filed prior to the general election are
91 filed no later than the final dates for filing such reports; and

92 (2) No disclosure report needs to be filed for any reporting period if during that reporting
93 period the committee has neither received contributions aggregating more than five hundred
94 dollars nor made expenditure aggregating more than five hundred dollars and has not received
95 contributions aggregating more than two hundred fifty dollars from any single contributor. Any
96 contributions received or expenditures made which are not reported because of this statement
97 is filed in lieu of a disclosure report shall be included in the next disclosure report filed by the
98 committee. A report shall be filed for two or more consecutive disclosure quarters if either the
99 contributions received or expenditures made in the aggregate during those reporting periods
100 exceed five hundred dollars and a report shall be filed not later than the thirtieth day after an
101 election if that report would show a deficit of more than one thousand dollars.

102 6. (1) If the disclosure report required to be filed by a committee not later than the
103 thirtieth day after an election shows a deficit of unpaid loans and other outstanding obligations
104 in excess of five thousand dollars, semiannual supplemental disclosure reports shall be filed with
105 the appropriate officer for each succeeding semiannual period until the deficit is reported in a
106 disclosure report as being reduced to five thousand dollars or less; except that, a supplemental
107 semiannual report shall not be required for any semiannual period which includes the closing
108 date for the reporting period covered in any regular disclosure report which the committee is
109 required to file in connection with an election. The reporting dates and periods covered for
110 semiannual reports shall be not later than the fifteenth day of January and July for periods closing
111 on the thirty-first day of December and the thirtieth day of June;

112 (2) Committees required to file reports pursuant to subsection 2 or 3 of this section
113 which are not otherwise required to file disclosure reports for an election shall file semiannual
114 reports as required by this subsection if their last required disclosure report shows a total of
115 unpaid loans and other outstanding obligations in excess of five thousand dollars.

116 7. In the case of a committee which disbands and is required to file a termination
117 statement pursuant to the provisions of section 130.021 with the appropriate officer not later than
118 the tenth day after the committee was dissolved, the candidate, committee treasurer or deputy
119 treasurer shall attach to the termination statement a complete disclosure report for the period
120 closing on the date of dissolution. A committee shall not utilize the provisions of subsection 8
121 of section 130.021 or the provisions of this subsection to circumvent or otherwise avoid the
122 reporting requirements of subsection 6 or 7 of this section.

123 8. Disclosure reports shall be filed with the appropriate officer not later than 5:00 p.m.
124 prevailing local time of the day designated for the filing of the report and a report postmarked
125 not later than midnight of the day previous to the day designated for filing the report shall be

126 deemed to have been filed in a timely manner. The appropriate officer may establish a policy
127 whereby disclosure reports may be filed by facsimile transmission.

**Section 1. 1. The provisions of this section shall apply to primary and general
2 elections where candidates for statewide or federal offices are nominated or elected and
3 any election where statewide issue or issues are submitted to the voters.**

**4 2. A voter claiming to be properly registered in the jurisdiction of the election
5 authority and eligible to vote in the election, but whose eligibility cannot be immediately
6 established upon examination of the precinct register or upon examination of the records
7 on file with the election authority, shall be entitled to vote a provisional ballot after
8 providing a form of personal identification required pursuant to section 115.427, RSMo.
9 The provisional ballot contained in this section shall contain the statewide candidates and
10 issues, and federal candidates. The congressional district on the provisional ballot shall
11 be for the address contained on the affidavit provided for in this section.**

**12 3. Once voted, the provisional ballot shall be placed and sealed in a provisional
13 ballot envelope. The provisional ballot in its envelope shall be deposited in the ballot box.
14 The provisional ballot envelope shall be completed by the voter for use in determining
15 eligibility. The provisional ballot envelopes specified in this section shall contain a voter's
16 certificate which shall be in substantially the following form:**

**17
18 STATE OF**

19 COUNTY OF

**20
21 I do solemnly swear (or affirm) that:**

**22
23 My name is**

**24
25 I reside at the following address:**

**26
27 My mailing address is**

**28
29 My date of birth is**

**30
31 The last four digits of my Social Security number are**

**32
33 I am registered to vote in County or City (if a City not within a County),
34 Missouri;**

35 **I am a qualified voter of said County (or City not within a County);**

36

37 **I am eligible to vote at this polling place;**

38

39 **I have not previously voted in this election.**

40

41 **I understand that if the above-provided information is not correct and the election**
42 **authority determines that I am not registered and eligible to vote, my vote will not be**
43 **counted. I further understand that knowingly providing false information is a violation**
44 **of law and subjects me to possible criminal prosecution.**

45

46

47 **(Signature of Voter)**

48

49 **Subscribed and affirmed before me this day of, 20... .**

50

51

52 **(Signature of Election Office)**

53

54 **The voter may provide additional information to further assist the election authority in**
55 **determining eligibility, including place and date the voter registered to vote, if known.**

56 **4. Prior to certification of the election, the election authority shall determine if the**
57 **voter is registered and entitled to vote and if the vote was properly cast. The provisional**
58 **ballot shall be counted only if the election authority determines that the voter is registered**
59 **and entitled to vote. If the voter is not registered but is qualified to register for future**
60 **elections, the affidavit shall be considered a mail application to register to vote pursuant**
61 **to the provisions of chapter 115, RSMo.**

62 **5. In counties where the voting system does not utilize a paper ballot, the election**
63 **authority shall provide the appropriate provisional ballots to each polling place.**

64 **6. The secretary of state may promulgate rules for purposes of ensuring the**
65 **uniform application of this section.**

66 **7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
67 **that is created under the authority delegated in this section shall become effective only if**
68 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
69 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
70 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**

71 to review, to delay the effective date or to disapprove and annul a rule are subsequently
72 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
73 adopted after August 28, 2002, shall be invalid and void.

74 **8. The secretary of state shall design and provide to the election authorities the**
75 **envelopes and forms necessary to carry out the provisions of this section.**

2 [115.083. Any election authority may appoint an even number of additional
3 judges for use as needed on election day. One-half of such judges shall be members
4 of one major political party, and one-half of such judges shall be members of the
other major political party.]

2 [115.122. The provisions of section 115.123, to the contrary notwithstanding,
3 any county, city, town or village may hold an election on the first Tuesday after the
first Monday in August, 1997.]

Section 2. 1. All grant programs to be administered by the Secretary of State under
2 **Sections 115.102, 115.074, 115.076 and 115.083 shall be administered by the Secretary of**
3 **State such that the counties or a city not within a county which have the highest number**
4 **of residents with an annual income, according to the most recent federal census, below that**
5 **of the federal poverty level as established by the federal department of health and human**
6 **services, or its successor agency, shall receive preferred consideration for said grants.**

2 Section B. Because immediate action is necessary to ensure the efficient operation of
3 elections in this state, the repeal and reenactment of section 115.613 of this act is deemed
4 necessary for the immediate preservation of the public health, welfare, peace and safety, and is
5 hereby declared to be an emergency act within the meaning of the constitution, and the repeal
6 and reenactment of section 115.613 of this act shall be in full force and effect upon its passage
and approval, or July 1, 2002, whichever later occurs.